

# **Exhibit D**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

THE SOUTH CAROLINA STATE  
CONFERENCE OF THE NAACP, and

TAIWAN SCOTT, on behalf of himself and  
all other similarly situated persons,

Plaintiffs,

v.

THOMAS C. ALEXANDER, in his official  
capacity as President of the Senate; LUKE A.  
RANKIN, in his official capacity as  
Chairman of the Senate Judiciary Committee;  
JAMES H. LUCAS, in his official capacity as  
Speaker of the House of Representatives;  
CHRIS MURPHY, in his official capacity as  
Chairman of the House of Representatives  
Judiciary Committee; WALLACE H.  
JORDAN, in his official capacity as  
Chairman of the House of Representatives  
Elections Law Subcommittee; HOWARD  
KNAPP, in his official capacity as interim  
Executive Director of the South Carolina  
State Election Commission; JOHN WELLS,  
Chair, JOANNE DAY, CLIFFORD J.  
EDLER, LINDA MCCALL, and SCOTT  
MOSELEY, in their official capacities as  
members of the South Carolina Election  
Commission,

Defendants.

**Case No. 3-21-cv-03302-JMC-  
TJH-RMG**

**PLAINTIFFS' INITIAL  
DISCLOSURES REGARDING  
CONGRESSIONAL  
REAPPORTIONMENT MAP  
PURSUANT TO FED. R. CIV. P.  
26(a)(1), LOCAL RULE 26.03  
(A)(1), (4), AND COURT'S  
SCHEDULING ORDER**

**THREE-JUDGE PANEL**

Pursuant to Rule 26(a)(1) of the Federal Rules of Procedure, Local Rule 26.03, and the Court's February 25, 2022, Scheduling Order (ECF No. 180), Plaintiffs The South Carolina State Conference of the NAACP ("SC NAACP") and Taiwan Scott (collectively, "Plaintiffs"), provide the following Initial Disclosures Regarding the Congressional Reapportionment Map ("Congressional map"), based upon information currently available to Plaintiffs. Plaintiffs hereby reserve the right to amend and/or supplement these Initial Disclosures based on new information obtained in discovery or otherwise during this action.

### **RESERVATION OF RIGHTS**

These Initial Disclosures are not intended to, and do not, constitute admissions as to the relevance or admissibility of the information disclosed, and are made without any waiver of attorney-client privilege, work product protection, or any other applicable privilege, protection, or immunity.

#### **A. Individuals**

Based on information currently available to Plaintiffs, the following individuals are likely to have discoverable information that Plaintiffs may use to support their claims or defenses regarding their challenge to the Congressional map, not including information used solely for impeachment.

1. Individuals and subchapters identified as Plaintiffs in this action and individuals and subchapters affiliated with Plaintiffs SC NAACP and Taiwan Scott who have general knowledge or information regarding (i) South Carolina's redistricting process and the state's history of redistricting; and (ii) South Carolina's voting population, including voting patterns and demographics, and who may be contacted through Plaintiffs' undersigned counsel:
  - a. Executive leadership of the South Carolina State Conference of the NAACP, including Brenda Murphy, President; and
  - b. Taiwan Scott.
2. Individuals identified as Defendants in this action, including:

- a. Thomas C. Alexander, in his official capacity as Chairman of the Senate Judiciary Committee;
  - b. Rep. James H. Lucas, in his official capacity as Speaker of the South Carolina House of Representatives;
  - c. Chris Murphy, in his official capacity as Chairman of the South Carolina House of Representatives Judiciary Committee;
  - d. Rep. Wallace H. Jordon, in his official capacity as Chairman of the South Carolina House of Representatives Elections Law Subcommittee;
  - e. Howard Knapp, in his official capacity as interim Executive Director of the South Carolina State Election Commission;
  - f. John Wells, in his official capacity as a member of the South Carolina State Election Commission;
  - g. Joanne Day, in her official capacity as a member of the South Carolina State Election Commission;
  - h. Clifford J. Elder, in his official capacity as a member of the South Carolina State Election Commission;
  - i. Linda McCall, in her official capacity as a member of the South Carolina State Election Commission; and
  - j. Scott Moseley, in his official capacity as a member of the South Carolina State Election Commission.
3. Members of the South Carolina State House of Representatives who may have information regarding the South Carolina redistricting process and South Carolina's voting population, including, but not limited to:
  - a. Representative Justin T. Bamberg;
  - b. Representative Beth E. Bernstein;
  - c. Representative Wendy C. Brawley;
  - d. Representative Gilda Cobb-Hunter;
  - e. Representative Neal A. Collins;
  - f. Representative Jason Elliot;
  - g. Representative Jerry N. Govan;
  - h. Representative John Richard C. King;

- i. Representative Patricia Moore Henegan;
  - j. Representative Annie McDaniel;
  - k. Representative Wm. Weston J. Newton; and
  - a. Representative Spencer Wetmore.
4. Staff members for the South Carolina State House of Representatives, including but not limited to, staff members for the Judiciary Committee and Elections Law Subcommittee who may have information regarding: (i) the 2020 South Carolina redistricting process; (ii) South Carolina's history of redistricting; (iii) the Congressional map(s) drawn for the South Carolina State House of Representatives; and (iv) South Carolina's voting population, including their voting patterns and demographics, racially polarized voting, including, but not limited to:
- b. Sebastian Bass;
  - c. Emma Dean;
  - d. Joleigh "Eliza" Deguit;
  - e. Patrick Dennis;
  - f. Megan Goyak;
  - g. Thomas Hauger;
  - h. Daniel Ingley; and
  - i. Sarah Grace Williamson.
5. Members of the South Carolina State Senate who may have information regarding the South Carolina redistricting process and South Carolina's voting population, including, but not limited to:
- a. Senator Richard A. Harpootlian;
  - b. Senator Brad Hutto;
  - c. Senator Marlon Kimpson;
  - d. Senator Shane R. Martin;
  - e. Senator A. Shane Massey;
  - f. Senator Bright Matthews;

- g. Senator Harvey S. Peeler, Jr.;
  - h. Senator Luke A. Rankin;
  - i. Senator Ronnie A. Sabb; and
  - j. Senator Scott Talley.
6. Staff members for the South Carolina State Senate, including but not limited to, staff members for the Senate Judiciary Committee who may have information regarding: (i) the 2020 South Carolina redistricting process; (ii) South Carolina's history of redistricting; (iii) the Congressional map(s) drawn for the South Carolina U.S. Congressional Districts; and (iv) South Carolina's voting population, including their voting patterns and demographics, racially polarized voting, including, but not limited to:
- a. Paula Benson, Assistant Director of Research and Senior Staff Attorney;
  - b. Andy Fiffick, Chief of Staff and Director of Research; and
  - c. Will Roberts, Committee Research Staff/Cartographer.
7. Members of the U.S. House of Representatives from South Carolina including:
- a. Rep. James E. "Jim" Clyburn
  - b. Rep. Addison Graves "Joe" Wilson
8. Third-party individuals and organizations focused on redistricting, including their members, employees, and agents, who may have information on the redistricting process in South Carolina, including, but not limited to:
- a. Adam Kincaid, Executive Director, the National Republican Redistricting Trust, 1750 Tysons Boulevard, Suite 1500, McLean, VA 22102, (703) 245-8020.
  - b. R. Joseph Oppermann, Oppermann Law Firm, LLC, 1100 Blackman Rd., Pendleton, SC 29670, (864) 260-4048.
  - c. Lynn Teague, Vice President for Issues and Action, League of Women Voters of South Carolina, P.O. Box 8453, Columbia, SC 29202, (803) 556-9802.
  - d. Dr. John Ruoff, Principal, The Ruoff Group, 6170 Crabtree Road, Columbia, SC 29206.
9. Expert witnesses, who have information regarding the manner in which South Carolina's congressional map was drawn and the voting population within each

drawn district, are to be identified pursuant to the Court's Scheduling Order regarding expert discovery.

10. Individuals identified by any Defendant in the initial disclosures.

Plaintiffs reserve the right to seek discovery from, and relating to, other persons that may subsequently become known as persons likely to have discoverable information. Plaintiffs further reserve the right to modify the foregoing list and to identify and call as witnesses additional persons if, during the course of their investigation and discovery relating to this case, Plaintiffs learn that such additional persons have knowledge or information that Plaintiffs may use to support their claims, defenses, and proposed remedies.

**B. Documents**

Based on information reasonably available, Plaintiffs identify the following documents, electronically stored information, or other tangible things, all of which are maintained by them, are already in possession of the parties, or are publicly available, that Plaintiffs may use to support their claims, defenses, and proposed remedies, unless such use is solely for impeachment:

1. Data and analyses relating to South Carolina's demographics, voter registration, voter turnout, election results, voting patterns, and the 2020 South Carolina redistricting process;
2. Memoranda, minutes, newspaper articles, public statements, legislation introduced, and/or legislative hearing/committee transcripts and/or videos, redistricting criteria, and other documents related to the 2020 South Carolina redistricting process;
3. Public testimony, correspondence, and other documents regarding the 2020 South Carolina redistricting process;
4. Expert and fact witness material, to be identified pursuant to the Court's Scheduling Order regarding expert discovery; and
5. SC NAACP organizational mission statement.

These Initial Disclosures do not constitute an admission as to the existence, relevance, or admissibility of the identified materials, or a waiver of any attorney-client or work product

privilege, or other applicable privilege or immunity.

Plaintiffs continue to search for additional documents, electronically stored information, or other tangible things that they may use to support their claims, defenses, and/or proposed remedies, and expressly reserve the right to supplement these Supplemental Initial Disclosures with such additional documents, electronically stored information, or other tangible things. In addition to the above-described documents, electronically stored information, or other tangible things, Plaintiffs may also rely upon other publicly available documents, electronically stored information, or other tangible things, and/or electronically stored information, or other tangible things produced by third parties in this or other litigations.

**C. Computation of Damages**

Plaintiffs do not seek damages.

**D. Insurance Agreement**

This component is inapplicable to Plaintiffs.

**E. Local Rule 26.03(A)(1): A Short Statement of the Facts of the Case**

The best statement of the facts of this case, pending discovery in this action, is contained in Plaintiffs' Second Amended Complaint for Injunctive and Declaratory Relief (ECF No. 154), and Plaintiffs' Opposition to Senate Defendants' Motion to Dismiss (ECF No. (200)).

**F. Local Rule 26.03(A)(4): A Summary of the Claims or Defenses with Statutory and/or Case Citations Support the Same**

The best summary of Plaintiffs' claims with statutory and/or case citations is contained in Plaintiffs' Second Amended Complaint for Injunctive and Declaratory Relief (ECF No. 154) and Plaintiffs' Opposition to Senate Defendants' Motion to Dismiss (ECF No. (200)).



Dated: March 29, 2022

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*\* Motion for admission Pro Hac Vice  
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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 29, 2022, a true and correct copy of the foregoing was served on all counsel of record by electronic mail.

/s/ Christopher Bryant  
Christopher Bryant